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EXAMINER
DATSKOVSKIY, SERGEY

ART UNIT	PAPER NUMBER
2121	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/757,015	AHMED, SAJID
	Examiner	Art Unit	
	Sergey Datskovskiy	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 September 2005</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>6-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>6-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>25 March 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 6-25 have been submitted for examination.

2.   Claims 6-25 have been rejected.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3.   Claims 6-10 and 15-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 6 and 15 are directed towards a computer implemented method for providing a ranked set of alternatives according to likelihood. However, despite being implemented on a computer, claimed method is directed to a manipulation of abstract ideas. Specifically, claimed *alternatives* are just abstract terms not limited to a representation of real-world objects. Therefore, producing a ranked set of alternatives is an abstract idea and can not be seen as a real-world result. Abstract ideas (see Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759) or mere manipulation of abstract ideas (see Schrader, 22 F.3d at 292-93, 30 USPQ2d at 1457-58) are not patentable.

Claims 7-10 and 16-19 are rejected as being depended on claims 6 and 15 correspondingly, and not fixing the problem of being directed to a manipulation of abstract ideas.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6-9, 1 1-14 and 24 are rejected under 35 U.S.C. 103(a) as being obvious over

Altschuler et al USPN 4,872,122 "Interactive statistical system and method for

predicting expert decisions" (Oct. 3, 1 989) in view of Lawrence et al USPN 6,272,481

"Hospital-based integrated medical computer system for processing medical and patient

information using specialized functional modules" (Filed Sep. 14, 1998).

Regarding claim 6:

Altschuler et al teaches,

- A method for ranking a set of alternatives (Fig. 6, column 10, lines 3-7) according to

likelihood (column 4, lines 42-54)

- (a) configuring, in one or a plurality of electronic databases (column 9, Lines 5-10)

stored in a storage device of a computer, a set of alternatives, a query set comprising at

least one query (column 3, Lines 1 1-21), and a set of primary bias values (Abstract),

wherein each primary bias value directly associates a particular query with a particular

alternative of the set of alternatives, and reflects at least one human expert's prior

conception of the degree of predictive value of the query for the particular alternative

relative to others

- (b) inputting a user's response to the query into the computer (Fig. 1A, item 12)

- (c) ranking, using a software program (column 2, Lines 47-57) stored on the storage device to receive and process the user's response, the alternatives according to relative Likelihood, based at least in part on the set of primary bias values (Fig. 6; column 10, lines 24-44)

However, Altschuler et al doesn't explicitly teach using a software program stored on the storage device that is operative with a processor of the computer while Lawrence et al teaches,

- using a software program stored on the storage device that is operative with a processor Of the computer (Abstract; Fig. 3)

Motivation - The portions of the claimed method would have been a highly desirable feature in this art for processing medical and patient information and for evolving medical knowledge, diagnoses and prognoses (Lawrence et al, column 2, lines 51-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify Altschuler et al as taught by Lawrence et al for the purpose of processing medical/patient information.

Regarding claim 7:

The rejection of claim 7 is similar to that for claim 6 as recited above since the stated Limitations of the claim are set forth in the references. Claim 7's limitations difference is taught in Altschuler et al:

- ranking the set of alternatives further comprises querying the one or more electronic databases to generate at least one secondary bias value that is based on the

corresponding primary bias value and the response to the query, wherein each secondary bias value is associated with a particular alternative of the set of alternatives, and reflects the expert prior conception of the degree of predictive value of the query and response for the particular alternative relative to others, and wherein ranking is based, at least in part, on the secondary bias values, or at least in part on a combination of the primary and secondary bias values (column 10, Lines 7-12)

Regarding claims 8:

The rejection of claim 8 is similar to that for claim 7 as recited above since the stated Limitations of the claim are set forth in the references. Claim 8's limitations difference is taught in Altschuler et al

- generating the second bias values involves increasing, decreasing or conserving the corresponding primary bias values based on the response to the query (column 3, Lines 48-60)

Regarding claims 9:

The rejection of claim 9 is similar to that for claim 7 as recited above since the stated Limitations of the claim are set forth in the references. Claim 9's Limitations difference is taught in Altschuler el al:

- wherein the query set comprises a plurality of queries, and wherein ranking the alternatives involves summing (column 13, lines 13-46) and averaging (column 5, Lines 45-48) of at least one of primary and secondary bias values

Regarding claims 11:

The rejection of claim 11 is similar to that for claim 6 as recited above since the stated

Limitations of the claim are set forth in the references. Claim 1 I's Limitations difference

is taught in Altschuler et al

- wherein the set of alternatives is a set of alternate medical diagnoses or conditions,

wherein the expert is a medical expert (Abstract), and wherein ranking the alternatives

provides a list of alternate medical diagnoses or conditions, ranked according to

Likelihood (column 12, Lines 12-19)

Regarding claim 12:

Altschuler et al teaches,

- A computer (column 11, lines 14-31) apparatus for ranking a set of alternatives (Fig.

6., column 10, Lines 3-7) according to Likelihood (column 4, Lines 42-54), comprising:

- (a) a computer and at least one storage device connected thereto (column 11 , Lines

14 - 18) ,

- (b) a database (column 9, lines 5-10) of alternatives (Fig. 6., column 10, Lines 3-7),

comprising a stored set of alternatives

- (c) a database of queries (column 3, Lines 1 1-21), comprising a stored set of at least

one query;

- (d) a primary bias value database, comprising a stored set of primary bias values

(Abstract), wherein each primary bias value directly associates a particular query with a

particular alternative of the set of alternatives, and reflects at least one human expert's

prior conception of the degree of predictive value of the query for the particular

alternative relative to others

- (e) a stored software program (column 2, lines 47-57) to receive and process a user's response to the query, and to rank the alternatives according to relative likelihood based, at least in part, on the set of primary bias values

However, Altschuler et al doesn't explicitly teach a computer having a processor or a stored software program operative with the processor while Lawrence et al teaches,

- a computer having a processor (Abstract, Fig. 3)

- a stored software program operative with the processor (column 6, Lines 3-9)

Motivation - The portions of the claimed apparatus would have been a highly desirable feature in this art for processing medical and patient information and for evolving medical knowledge, diagnoses and prognoses (Lawrence et al, column 2, Lines 51-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify Altschuler et al as taught by Lawrence et al for the purpose of processing medical/patient information.

Regarding claim 13:

The rejection of claim 13 is similar to that for claim 12 as recited above since the stated Limitations of the claim are set forth in the reference. Claim 13's Limitations difference is taught in Lawrence et al.

- a user database, comprising user information, wherein the program is operative with the processor to store, access and update user information when new user information is received (column 11 , lines 49-62)

Regarding claim 14:

The rejection of claim 14 is similar to that for claim 13 as recited above since the stated

limitations of the claim are set forth in the reference. Claim 14's limitations difference is

taught in Lawrence et al:

- the program is further operative with the processor to track the user information

(column 5, Lines 18-33)

Regarding claim 24:

The rejection of claim 24 is the same as that for claims 12 and 7 as recited above since

the stated Limitations of the claim are set forth in the references.

Claims 15-18, 20-23 and 25 are rejected under 35 U.S.C. 103(a) as being

obvious over Altschuler et al in view of Lawrence et al and in further view of Ridgeway

et al USPN 6,012,052 "Methods and apparatus for building resource transition

probability models for use in pre-fetching resources, editing resource link topology,

building resource link topology templates, and collaborative filtering" (Jan. 4, 2000).

Regarding claim 15:

Altschuler et al teaches,

- A method for ranking a set of alternatives (Fig. 6., column 10, Lines 3-7) according to

Likelihood (column 4, Lines 42-54), comprising'.

- (a) configuring, in one or a plurality of electronic databases (column 9, Lines 5-10), a

set of alternatives, a query set comprising at least one query (column 3, lines 11-21),

and a set of primary bias values (Abstract), wherein each primary bias value directly

associates a particular query with a particular alternative of the set of alternatives, and

reflects at least one human expert's prior conception of the degree of predictive value of

the query for the particular alternative relative to others

- (b) inputting a user's response to the query into a computer through a user subsystem

(Fig. IA, item 12)

- (d) ranking, using a software program (column 2, Lines 47-57) to receive and process

the user's response, the alternatives according to relative Likelihood, based at least in

part on the set of primary bias values (Fig. 6., column 10, Lines 24-44)

However, Altschuler et al doesn't explicitly teach a method over a wide-area

network, a plurality of electronic databases of a server, (c) transmitting the user's

response to the server over the wide-area network, a software program that is operative

with a processor of the server or (e) transmitting the ranked set of alternatives to the

user subsystem over the wide-area network, whereby the set of alternatives is ranked

according to likelihood while Lawrence et al teaches

- a plurality of electronic databases (Fig. 3, items 317, 321 , 323)

- a software program that is operative with a processor (column 6, lines 3-9)

Ridgeway et al teaches,

- A method (Title), over a wide-area network (column 1, lines 26-33)

- (c) transmitting the user's response to the server (column 24, Lines 20-27) over the

wide-area network

- a database of a server (Fig. 5., column 18, Lines 21-36) and a software program that

is operative with a processor of the server

- (e) transmitting the ranked set of alternatives to the user subsystem over the wide-area network, whereby the set of alternatives is ranked according to Likelihood (column 30, Lines 64-67., column 31 , Lines 1-6)

Motivation - The portions of the claimed method would have been a highly desirable feature in this art for processing medical and patient information and for evolving medical knowledge, diagnoses and prognoses (Lawrence et al, column 2, lines 51-54) as well as using resource pre-fetching to better utilize processing resources and bandwidth of communications channels (Ridgeway et al, column 4, Lines 11-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify Altschuler et al as taught by Lawrence et al and Ridgeway et al for the purpose of processing medical/patient information as well as better utilizing resources/communications bandwidth.

Regarding claim 16:

The rejection of claim 16 is similar to that for claim 15 as recited above since the stated Limitations of the claim are set forth in the references. Claim 16's Limitations difference is taught in Altschuler et al

- ranking the set of alternatives further comprises querying the one or more electronic databases to generate at least one secondary bias value that is based on the corresponding primary bias value and the response to the query, wherein each secondary bias value is associated with a particular alternative of the set of alternatives, and reflects the expert prior conception of the degree of predictive value of the query and response for the particular alternative relative to others, and wherein ranking is

based, at least in part, on the secondary bias values, or at least in part on a combination of the primary and secondary bias values (column 10, Lines 7-12)

Ridgeway et al:

- a database of the server (Fig. 5, column 18, Lines 21-36)

Regarding claim 17:

The rejection of claim 17 is similar to that for claims 16 and 8 as recited above since the stated limitations of the claim are set forth in the references.

Regarding claim 18:

The rejection of claim 18 is similar to that for claims 16 and 9 as recited above since the stated limitations of the claim are set forth in the references.

Regarding claim 20:

The rejection of claim 20 is similar to that for claims 15 and 11 as recited above since the stated limitations of the claim are set forth in the references.

Regarding claim 21:

Altschuler et al teaches,

- A computer apparatus for ranking a set of alternatives (Fig. 6., column 10, Lines 3-7) according to Likelihood (column 4, Lines 42-54), comprising.

- (b) a database of alternatives (column 9, Lines 5-10), comprising a stored set of alternatives

- (c) a database of queries (column 3, Lines 1 1-21), comprising a stored set of at least one query

- (d) a primary bias value (Abstract) database, comprising a stored set of primary bias

values, wherein each primary bias value directly associates a particular query with a

particular alternative of the set of alternatives, and reflects at least one human expert's

prior conception of the degree of predictive value of the query for the particular

alternative relative to others

- (e) a stored software program (column 2, Lines 47-57) to receive and process, from a

user subsystem, a user's response to the query, and to rank the alternatives according

to relative likelihood based, at least in part, on the set of primary bias values (Fig. 6,

column 10, Lines 24-44)

However, Altschuler et al doesn't explicitly teach a computer network apparatus,

(a) a server having a processor and at least one storage device connected to the

processor or a stored software program operative with the processor for transmission to

the user subsystem while Lawrence et al teaches

- A computer network apparatus (Abstract; Fig. 3)

- a plurality of electronic databases (Fig. 3, items 317, 321 , 323)

- a stored software program operative with the processor (column 6, Lines 3-9)

Ridgeway et al teaches,

- A computer network apparatus (column 1, Lines 26-33)

- (a) a server having a processor and at least one storage device connected to the

processor (Fig. 5., column 18, Lines 21-36)

- (e) a stored software program operative with the processor to receive and process,

from a user subsystem, a user's response to the query, and to rank the alternatives

according to relative Likelihood based (column 30, Lines 64-67*, column 31 , Lines 1-6), at least in part, on the set of primary bias values, for transmission to the user subsystem (column 24, lines 20-27)

Motivation - The portions of the claimed apparatus would have been a highly desirable feature in this art for processing medical and patient information and for evolving medical knowledge, diagnoses and prognoses (Lawrence et al, column 2, Lines 51-54) as well as using resource pre-fetching to better utilize processing resources and bandwidth of communications channels (Ridgeway et al, column 4, lines 1 1-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify Altschuler et al as taught by Lawrence et al and Ridgeway et al for the purpose of processing medical/patient information as well as better utilizing resources/communications bandwidth.

Regarding claim 22:

The rejection of claim 22 is the same as that for claims 21 and 13 as recited above since the stated limitations of the claim are set forth in the references.

Regarding claim 23:

The rejection of claim 23 is the same as that for claims 21 and 14 as recited above since the stated Limitations of the claim are set forth in the reference.

Regarding claim 25:

The rejection of claim 25 is the same as that for claims 21 and 7 as recited above since the stated Limitations of the claim are set forth in the reference.

Claim 10 is rejected under 35 U.S.C. 103(a) as being obvious over Altschuler et al in

view of Lawrence et al.

Regarding claim 10:

Altschuler et al teaches,

- A method for ranking a set of alternatives (Fig. 6, column 10, Lines 3-7) according to

Likelihood (column 4, lines 42-54)

- (a) configuring, in one or a plurality of electronic databases (column 9, Lines 5-10)

stored in a storage device of a computer, a set of alternatives, a query set comprising at

least one query (column 3, Lines 1 1-21), and a set of primary bias values (Abstract),

wherein each primary bias value directly associates a particular query with a particular

alternative of the set of alternatives, and reflects at least one human expert's prior

conception of the degree of predictive value of the query for the particular alternative

relative to others

- (b) inputting a user's response to the query into the computer (Fig. 1A, item 12)

- (c) ranking, using a software program (column 2, Lines 47-57) stored on the storage

device to receive and process the user's response, the alternatives according to relative

Likelihood, based at least in part on the set of primary bias values (Fig. 6., column 10,

Lines 24-44)

- ranking the set of alternatives further comprises querying the one or more electronic

databases to generate at least one secondary bias value that is based on the

corresponding primary bias value and the response to the query, wherein each

secondary bias value is associated with a particular alternative of the set of alternatives,

and reflects the expert prior conception of the degree of predictive value of the query

and response for the particular alternative relative to others, and wherein ranking is

based, at least in part, on the secondary bias values, or at least in part on a

combination of the primary and secondary bias values (column 10, Lines 7-12)

Altschuler et al doesn't explicitly teach using a software program stored on the storage

device that is operative with a processor of the computer and generating secondary bias

values, and ranking the alternatives is achieved, at least in part, by using algorithm 42

while Lawrence et al teaches,

- using a software program stored on the storage device that is operative with a

processor of the computer (Abstract', Fig. 3).

However, Examiner takes Official Notice that generating secondary bias values,

and ranking the alternatives is achieved, at least in part, by using algorithm 42 is

conventional and well-known (Islam et al, USPN 6, 1 15, 712, "Mechanism for

combining data analysis algorithms with databases on the internet").

Motivation - The portions of the claimed method would have been a highly desirable

feature in this art for processing medical and patient information and for evolving

medical knowledge, diagnoses and prognoses (Lawrence et al, column 2, Lines 51-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made, to modify Altschuler et al as taught by Lawrence et al for the

purpose of processing medical/patient information. Furthermore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to generate

secondary bias values, and rank the alternatives, by using algorithm 42, at least in part,

since Examiner takes Official Notice that generating secondary bias values, and ranking

the alternatives is achieved, at least in pad, by using algorithm 42 is conventional and

well-known to at least Islam et al.

Claim 19 is rejected under 35 U.S.C. 103(a) as being obvious over Altschuler et

al in view of Lawrence et al and in further view of Ridgeway et al.

Regarding claim 19:

Altschuler et al teaches,

- A method for ranking a set of alternatives (Fig. 6, column 10, Lines 3-7) according to

Likelihood (column 4, Lines 42-54), comprising:

- (a) configuring, in one or a plurality of electronic databases (column 9, Lines 5-10), a

set of alternatives, a query set comprising at least one query (column 3, Lines 11-21),

and a set of primary bias values (Abstract), wherein each primary bias value directly

associates a particular query with a particular alternative of the set of alternatives, and

reflects at least one human expert's prior conception of the degree of predictive value of

the query for the particular alternative relative to others

- (b) inputting a user's response to the query into a computer through a user subsystem

(Fig. 1A, item 12)

- (d) ranking, using a software program (column 2, Lines 47-57) to receive and process

the user's response, the alternatives according to relative Likelihood, based at least in

part on the set of primary bias values (Fig. 6., column 10, Lines 24-44)

- ranking the set of alternatives further comprises querying the one or more electronic databases to generate at least one secondary bias value that is based on the corresponding primary bias value and the response to the query, wherein each secondary bias value is associated with a particular alternative of the set of alternatives, and reflects the expert prior conception of the degree of predictive value of the query and response for the particular alternative relative to others, and wherein ranking is based, at least in part, on the secondary bias values, or at least in part on a combination of the primary and secondary bias values (column 10, Lines 7-12)

Altschuler et al doesn't explicitly teach a method over a wide-area network, a plurality of . electronic databases of a server, (c) transmitting the. user's response to the server over the wide-area network, a software program that is operative with a processor of the server, (e) transmitting the ranked set of alternatives to the user subsystem over the wide-area network, whereby the set of alternatives is ranked according to Likelihood and generating secondary bias values, and ranking the alternatives is achieved, at least in part, by using algorithm 42 while Lawrence et al teaches

- a plurality of electronic databases (Fig. 3, items 317, 321 , 323)

- a software program that is operative with a processor (column 6, lines 3-9)

Ridgeway et al teaches,

- A method (Title), over a wide-area network (column 1, lines 26-33)

- (c) transmitting the user's response to the server (column 24, Lines 20-27) over the wide-area network

- a database of a server (Fig. 5., column 18, lines 21 -36) and a software program that is operative with a processor of the server

- (e) transmitting the ranked set of alternatives to the user subsystem over the wide-area network, whereby the set of alternatives is ranked according to Likelihood (column 30, Lines 64-67, column 31 , lines 1-6).

- a database of the server (Fig. 5., column 18, Lines 21-36).

However, Examiner takes Official Notice that generating secondary bias values, and ranking the alternatives is achieved, at least in part, by using algorithm 42 is conventional and well-known (Islam et al, USPN 6, 1 15, 712, "Mechanism for combining data analysis algorithms with databases on the internet").

Motivation - The portions of the claimed method would have been a highly desirable feature in this art for processing medical and patient information and for evolving medical knowledge, diagnoses and prognoses (Lawrence et al, column 2, Lines 51-54) as well as using resource pre-fetching to better utilize processing resources and bandwidth of communications channels (Ridgeway et al, column 4, Lines 1 1-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify Altschuler et al as taught by Lawrence et al and Ridgeway et al for the purpose of processing medical/patient information as well as better utilizing resources/communications bandwidth. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to generate secondary bias values, and rank the alternatives, by using algorithm 42, at least in part, since Examiner takes Official Notice that generating secondary bias values, and ranking

the alternatives is achieved, at least in part, by using algorithm 42 is conventional and

well-known to at least Islam et al.

Response to Arguments

Applicant's arguments filed on September 26, 2005 have been fully considered

but they are not persuasive.

Regarding Claim Rejections under 35 U.S.C. §101:

Applicant amended claims 6 and 15 to make sure that the claimed invention

belongs to technical arts. However, according to the current rules of making a 35

U.S.C. 101 rejection, belonging to technical arts does not fix the problem of claims 6

and 15 being directed to an abstract idea. Claimed invention must be tangible, *i.e.*

being directed to a tangible system or apparatus, or being a method that is an

application of real-world objects resulting in some real-world results. Therefore, a new

35 U.S.C. 101 rejection of claims 6 and 15 had to be made, followed by an analogous

rejection of their dependent claims 7-10 and 16-19.

Regarding Claim Rejections under 35 U.S.C. §103(a):

Applicant states that Altschuler discloses multiple additional features that are

present in the current application. Such as, for example, a statistical inference engine,

a computer generated statistical data base and a decision tree. However, the presence

of these additional features does not affect the fact that all of the claimed limitations are

covered by the combination of references used to make the rejection. Examiner is supposed to give claims their broadest reasonable interpretation, and if such interpretation matches the features disclosed in a reference, claims have to be rejected over such reference.

Applicant argues that Altschuler does not teach primary and secondary bias values as taught and required by the present invention, specifically stating that there is no disclosure of "*a set of primary bias values, wherein each primary bias value directly associates a particular query with a particular alternative of the set of alternatives, and reflects at least one human expert's prior conception of the degree of predictive value of the query for the particular alternative relative to others*". The following is an explanation of how these limitations were interpreted by Examiner to show that they all of them are disclosed by Altschuler. First of all, Altschuler discloses an expert that is a human and not software (evident from Abstract as well as col. 2, lines 20-25 talking about "experts in a particular field of study"). Such human experts are used to teach possible responses to questions to build a decision tree (col. 3, lines 11-21). A question may lead to several possible responses (col. 3, lines 39-41), therefore a query of said decision tree can be interpreted *a particular query with a particular alternative of the set of alternatives*. Each expert's decision entered into the system represents his own conception of the degree of predictive value of the query for the particular alternative relative to others. For example, an expert can desire a certain confidence level by answering enough simulated cases to determine which parameters become significant to this level (col. 4, lines 11-15). Furthermore, Altschuler discloses generating a set of

random values of the input parameters *biased* by a function of a preceding response (Abstract). Such parameters reflect possible responses by a human expert, which means that they are directly associated with a particular query stored in the decision tree. Therefore, these biased random parameters can be interpreted as "*a set of primary bias values*". Additionally, since each subsequent question is based on a preceding response, subsequent bias numbers can be viewed as *secondary* bias numbers.

Claim 6 stays rejected under 35 U.S.C. 103(a) since all claimed limitations are disclosed by the combination of references used in the rejection. Independent claims 12, 15 and 21 stay rejected based on the same reasoning as claim 6. Dependent claims 13-14, 16-20 and 22-25 also stay rejected in view of being dependent from rejected independent claims and the explanations given above.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sergey Datskovskiy whose telephone number is (571) 272-8188. The examiner can normally be reached on Monday-Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight, can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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